

PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q83621

Jean BEGUINOT

Appln. No.: 10/509,103

Group Art Unit: 1793

Confirmation No.: 9952

Examiner: JIE YANG

Filed: February 4, 2005

For: STEEL BLOCK FOR THE MANUFACTURE OF MOULDS FOR THE INJECTION
MOULDING OF PLASTICS MATERIAL OR FOR THE MANUFACTURE OF
METALWORKING PARTS

REPLY BRIEF PURSUANT TO 37 C.F.R. § 41.41

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.41, Appellant respectfully submits
this Reply Brief in response to the Examiner's Answer dated June 4, 2009. Entry of this Reply
Brief is respectfully requested.

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STATUS OF CLAIMS

Claims 1-15 are rejected and are being appealed.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

As set forth in the Appeal Brief filed March 16, 2009, the grounds of rejection to be reviewed on appeal are as follows:

(1) the rejection of claims 1-10 and 12-15 under 35 U.S.C 103(a) as being unpatentable over Ichikawa et al. (JP 8-165542), in view of Jean et al. (US 5,714,116) and Bobbert et al. (US 5,458,704), and

(2) the rejection of claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ichikawa et al. (JP 8-165542), in view of Jean et al. (US 5,714,116) and Bobbert et al. (US 5,458,704), and further in view of Lars-Ake et al (US 6,048,491).

ARGUMENT

In response to the Examiner's Answer, Appellant submits the following additional comments.

To render obvious the less than 0.15 wt% Si range of the present invention, the Examiner indicates on pages 4, 6-7 and 11-12 of the Examiner's Answer that it would have been obvious to modify the 0.25 to 0.35 wt% Si range in JP '542 based on (1) the 0-1 wt% Si range of US '116 to make the steel easier to smelt while not causing toughness to deteriorate and (2) the 0.05 to 0.75 wt% Si range in US '704 to obtain an alloy having a combination of considerable hardness with considerable plate thickness.

Appellant submits that the Examiner's logic is inappropriate based on the following reasoning.

In the Abstract and paragraph [0014], JP '542 specifically teaches a range of 0.25-0.35 wt%, and paragraph [0014] teaches away from using an amount lower than 0.25 wt%. In this regard, Appellants note that MPEP 2142.02 VI states that prior art must be considered in its entirety, including disclosures that teach away from the claims.

Moreover, and importantly, the 0.25-0.35 wt% Si range of JP '742 is completely within the 0-1 wt% Si range of US '116 and the 0.05 to 0.75 wt% Si range in US '704. Thus, there is no reason to modify the JP '542 range, because the JP '542 range would already provide any benefits identified by US '116 and US '704 in connection with their Si ranges.

Accordingly, Appellant submits that one would not have modified the Si range of JP '742 to arrive at the Si range of the present invention, and thus the present invention is not obvious.

CONCLUSION

For the above reasons as well as the reasons set forth in Appeal Brief, Appellant respectfully requests that the Board reverse the Examiner's rejections of all claims on Appeal. An early and favorable decision on the merits of this Appeal is respectfully requested.

Respectfully submitted,


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